

Monday, March 29, 2021

Sondra Corbitt
Executive Director
Houma Area Convention &
Visitors Bureau
P.O. Box 2792
Houma, Louisiana 70361

**Re: Louisiana Board of Ethics
Docket No. 2021-070**

Dear Director Corbitt:

The Louisiana Board of Ethics ("Board"), at its April 9, 2021 meeting, considered your request for an advisory opinion as to whether the Louisiana Code of Governmental Ethics ("Code") would prohibit the Houma Area Convention & Visitors Bureau from interviewing and/or hiring the daughter of a member of the Board of Directors for the open Communication Specialist position.

FACTS PROVIDED

The Houma Area Convention & Visitors Bureau ("HACVB") is in the process of searching for qualified applicants to fill the open Communication Specialist position. The Vice Chairperson, Brenda Babin, of the Board of Directors has inquired as to whether her daughter would be eligible to apply for the open position and, potentially, be hired to fill the position. Ms. Babin has resigned her position as Vice Chairperson. You have asked the following questions:

1. Now that Ms. Babin has resigned, can you conduct an interview with the daughter?
2. If so and she is the most qualified candidate, can you offer her a position with HACVB?
3. If she gains employment with HACVB, is that considered another violation?
4. Should the said board member remain off the board for a certain period of time before any relatives apply for a position with HACVB?

LAW

La. R.S. 42:1113(B) prohibits an appointed member of any board or commission, member of his immediate family, or a legal entity in which he has a substantial economic interest, from bidding on or entering into or being in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such appointed member.

La. R.S. 42:1119(B) provides no member of the immediate family of a member of a governing authority or the chief executive of a governmental entity shall be employed by the governmental entity.

La. R.S. 42:1119(C)(2) provides that the provisions of this Section shall not prohibit the continued employment of any public employee nor shall it be construed to hinder, alter, or in any way affect normal promotional advancements for such public employee where a member of public employee's immediate family becomes the agency head of such public employee's agency, provided that such public employee has been employed in the agency for a period of at least one year prior to the member of the public employee's immediate family becoming the agency head.

CONCLUSION

The Board concluded, and instructed me to inform you, that based on the facts presented, the Code dictates the following answers to your questions:

1. Now that Ms. Babin has resigned, can you conduct an interview with the daughter?

Yes. La. R.S. 42:1113(B) prohibits an immediate family member of an appointed board member from entering into or being in any way interested in a transaction with the board member's agency. Now that Ms. Babin has resigned, there is no longer a risk that La. R.S. 42:1113(B) will be violated.

2. If so and she is the most qualified candidate, can you offer her a position with HACVB?

Yes. La. R.S. 42:1113(B) prohibits an immediate family member of an appointed board member from entering into or being in any way interested in a transaction with the board member's agency. La. R.S. 42:1119(B) prohibits an immediate family member of an appointed board member from being employed by the board member's agency. Now that Ms. Babin has resigned, there is no longer a risk that La. R.S. 42:1113(B) or La. R.S. 42:1119(B) will be violated.

3. If the daughter gains employment with HACVB, is that considered another violation?

No.

4. Should Ms. Babin remain off the board for a certain period of time before any relatives apply for a position with HACVB?

Yes. In order to prevent any violation of La. R.S. 42:1119, Ms. Babin's immediate family member – including her daughter – would have to be employed with HACVB for one year prior to Ms.

Babin returning to the Board. La. R.S. 42:1119(C)(2) provides an exception to the Nepotism prohibition, such that Ms. Babin could return to the Board after her daughter has been employed for one (1) year.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

LaToya D. Jordan
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics. No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.